

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: DIGITEK PRODUCTS LIABILITY
LITIGATION**

MDL No. 1968

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF DAVID M. PETERSON FOR
APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

The undersigned, David M. Peterson of Peterson & Associates, P.C. respectfully submits this application to serve on the Digitek Plaintiffs' Steering Committee.

PROFESSIONAL EXPERIENCE IN THIS TYPE OF LITIGATION

The undersigned counsel has been practicing law for almost 25 years. In 1984, I graduated *Order of the Coif* and *cum laude* from the University of Missouri School of law and was a member of the Missouri Law Review. I have an AV Martindale-Hubbell rating, and am listed in Missouri/Kansas Super Lawyers.

My practice is limited to plaintiffs' mass tort, personal injury and complex litigation. I have substantial experience in mass tort litigation, having resolved claims for thousands of injured plaintiffs from around the country in pharmaceutical and medical device litigation. I have been personally involved in actively litigating thousands of individually filed cases in many mass torts, including Fen Phen, Baycol, Metabolife, Vioxx, Ortho Evra, Kugel Mesh Patch, Medtronic ICD, Guidant ICD, Medtronic Leads, among others.

In July of 2007, I was appointed by Judge Elias of the Superior Court of the State of California, County of Los Angeles to serve on the Plaintiffs' Executive Committee (PEC) for the coordinated California State Court Ortho Evra litigation. Most recently, I was appointed by Judge Gibney of the Superior Court of Rhode Island as a member of the Plaintiffs' Steering Committee (PSC) for the coordinated Rhode Island State Court Kugel Mesh Patch litigation. I have found working on other PSC's to be a positive experience personally and professionally.

ABILITY TO WORK COOPERATIVELY WITH OTHERS

I personally know both Harry Bell and Fred Thompson, who have been appointed liaison counsel in this litigation. I will easily be able to work cooperatively with them and the others appointed to the PSC.

I am currently litigating Ortho Evra cases in California, which are being defended by Tucker, Ellis & West LLP--the lead defense firm in the Digitek litigation. I have a good working relationship with the defense firm, and have resolved many cases with them.

Moreover, I was formerly a partner with Shook, Hardy & Bacon, an international law firm well known for its defense of the tobacco and pharmaceutical industries. I have extensive experience working with lawyers on both sides of complex litigation, which further facilitates my insight and ability to work with co-counsel and opposing counsel alike.

**WILLINGNESS AND AVAILABILITY TO COMMIT
TO A TIME-CONSUMING PROJECT**

Peterson & Associates has been investigating Digitek cases since the date of the recall. The firm currently has one suit pending, originally filed in the United States

District Court, Western District of Missouri styled Norma Harris v. Actavis Group, et al, Case No. 08-5107-CV-SW-JTM. In addition, Peterson & Associates and has been retained by hundreds of Digitek clients and expects to file many more cases in the near future.

My law firm has the necessary staff and financial resources to make a substantial contribution to this litigation as a member of the Digitek PSC. Already representing hundreds of individual clients and having committed itself to this litigation, I am well suited to serving as a member of the PSC.

CONCLUSION

For the reasons set forth herein, I respectfully request that this Court appoint me as member of the Plaintiffs' Steering Committee in this litigation.

Respectfully Submitted,

/s/ David M. Peterson, Esq.
David M. Peterson (Mo Bar # 32229)
Peterson & Associates, P.C.
801 W. 47th St.
Suite 107
Kansas City, MO 64112
Phone: 816-531-4440
Fax: 816-531-0660
Email: dmp@petersonlawfirm.com

Certificate of Service

I HERBY CERTIFY that a true copy of the forgoing Application of David M. Peterson for Appointment to Plaintiffs' Steering Committee has been electronically filed with the Clerk of the Court this 20th day of October, 2008, by using the CM/ECF system which will send notice of electronic filing to all parties of record at the e-mail addresses on file with the Clerk of the Court.

/s/ David M. Peterson
David M. Peterson, Esquire